

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

NATIONAL BROKERS OF AMERICA, INC.,

Debtor.

Chapter 7

Bankruptcy No. 19-15488

**FIRST INTERIM APPLICATION OF FLASTER/GREENBERG P.C. FOR
COMPENSATION FOR LEGAL SERVICES RENDERED AS COUNSEL FOR THE
TRUSTEE AND FOR REIMBURSEMENT OF EXPENSES FOR THE PERIOD
OCTOBER 26, 2019 THROUGH OCTOBER 31, 2021**

Flaster/Greenberg P.C. (“FG”), Counsel for the Trustee, in accordance with F.R.B.P. 2016, applies under Section 330 of the Bankruptcy Code for an award of compensation and reimbursement of actual, necessary expenses and represents:

Part A -- Preliminary Statement

1. Applicant is counsel for Robert H. Holber, Chapter 7 Trustee (the “Trustee”).
2. All services rendered and expenses incurred for which compensation or reimbursement is requested were performed or incurred for or on behalf of the Trustee.
3. The services described in this Application are actual, necessary services and the compensation requested for those services is reasonable.
4. The expenses described in this Application are actual, necessary expenses.
5. Applicant believes that the sums sought by this Application are fair and reasonable in light of the time and effort devoted, the responsibilities undertaken, the results achieved, the quality and efficiency of the work done and other relevant factors.
6. Pursuant to Local Rule 2016-2(b), below is a history of this case:

The Debtor is a former broker of certain health insurance products to consumers. Since the

beginning of the case, the Trustee has received residual commissions on a monthly basis from various sources. To date, the Trustee has received over \$113,000 in unencumbered cash.

The principal other asset in this case are successor liability claims and potential claims against the Debtor's partners, principals, insiders, transferees and/or others arising out of transfers that may be avoidable under sections 544, 547, 548 and/or 549 of the Bankruptcy Code and/or applicable state law. The Trustee has engaged a financial advisor, Sharer Petree Brotz & Snyder, to investigate these claims. Initially, in response to a relief from stay motion filed by Jason Scott Jordan and his counsel, David Crossett, the Trustee explored and negotiated a joint process to potentially pursue such claims. Eventually, this joint arrangement was not deemed beneficial to the Trustee and it was terminated. Instead, the Trustee engaged contingency fee counsel, Gellert Scali Busenkell & Brown, LLC to pursue these claims. These litigation claims are pending and on-going.

FG acted as general bankruptcy counsel to the Trustee at all times and assisted with the administration of these assets. Given the amount in the bank at the current time and the fact that commissions are still coming in each month as well as the fact the contingency claims are being vigorously pursued, the Trustee can pay this Fee Application and still have funds left to pay creditors.

7. The Trustee has reviewed this Fee Application and believes that the fees are reasonable and that the services performed were necessary for the administration of the case for the benefit of the Debtor's creditors.

8. This Fee Application considered on an interim basis with *de novo* final review after submission of the TFR

Part B -- General Information

1. First Interim Fee Application

Period October 26, 2019 through October 31, 2021

Requested

Fees	\$32,733.00
Expenses	<u>\$26.00</u>
Total	\$32,759.00

2. General Information

- a. Date case filed: September 3, 2019. Thereafter, the Office of the United States Trustee appointed Robert H. Holber as the Chapter 7 Trustee of the Debtor's estate.
- b. Date application to approve employment filed: November 13, 2019.
- c. Date employment approved: December 26, 2019.
- d. First date services rendered in the case: October 26, 2019.
- e. Compensation request is under Section 330 of the Bankruptcy Code.
- f. Any fees awarded will be paid from the estate.
- g. This application is for a period less than 120 days after the filing of the case or less than 120 days after the end of the period of the last application.

_____ Yes X No

- h. The Trustee has reviewed and approved this fee application prior to filing.

3. Prior Applications

None.

**4. Attorney Billing for Chapter 7 Period
October 26, 2019 through October 31, 2021**

Name	Hourly Billing Rate	Total Billed Hours	Total Compensation
William J. Burnett (2019)	\$535.00	7.40	\$3,959.00
William J. Burnett (2020)	\$550.00	45.40	\$24,970.00
William J. Burnett (2021)	\$560.00	0.90	\$504.00
Harry J. Giacometti	\$550.00	0.30	\$165.00
Damien N. Tancredi	\$375.00	0.30	\$112.50

Total Fees

\$29,710.50

**5. Paralegal Billing for Chapter 7 Period
October 26, 2019 through October 31, 2021**

Name	Hourly Billing Rate	Total Billed Hours	Total Compensation
Jennifer Vagnozzi	\$195.00	15.50	\$3,022.50
Total Fees			\$3,022.50
Grand Total			\$32,759.00

6. Billing Rates:

a. Are any of the billing rates different from the billing rates set forth in your last application? N/A.

b. If yes, indicate whose billing rates are different and explain why? N/A

Part C – Billing Summary

1. Description of Services/ Detail of Hours Expended

The legal services rendered by Applicant are set forth and detailed in the attached schedules appended hereto as Exhibit “A”. The total time for all attorneys and paralegals involved was in the aggregate 69.80 hours. The total amount requested is \$32,733.00 for the period October 26, 2019 through October 31, 2021.

Part D - Expense Summary

The expenses incurred by Applicant are set forth and detailed in the attached schedule appended hereto as Exhibit “B”. The total amount requested is \$26.00 for the period October 26, 2019 through October 31, 2021.

As required by the Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under 11 U.S.C. § 330 (b)(1)(v), the Trustee has reviewed this application and has approved the requested amount. Additionally, pursuant to 11 U.S.C. § 330 (b)(2)(i), the Trustee believes that it is feasible to make an interim distribution to Chapter 7 professional creditors without prejudicing the rights of any creditor holding a claim of equal or higher priority.

WHEREFORE, Flaster/Greenberg, P.C., respectfully requests that this Court enter an Order, in the form attached, granting a total interim award of \$32,733.50 in compensation and \$26.00 in expenses for the period October 26, 2019 through October 31, 2021, and granting such other relief as this Court deems just and proper.

FLASTER/GREENBERG P.C.

Dated: November 11, 2021

/s/ William J. Burnett

William J. Burnett, Esquire

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Counsel for Robert H. Holber, Chapter 7 Trustee